Enforcement actions taken by Lands Department against unlawful occupation of government land
Investigation Report

In April 2024, this Office received a complaint from a member of the public (“the complainant”) against the Lands Department (“LandsD”).

The Complaint

2. In October 2023, the complainant lodged a complaint with LandsD via 1823 against a licensed hut on Lantau Island for occupation of government land and illegal alteration works, but LandsD did not respond. In March 2024, he lodged the same complaint with 1823 again. By late April of the same year, he received a reply from the District Lands Office, Islands (“DLO”) under LandsD, which claimed that it would deploy staff to inspect the site. The complainant criticised LandsD for not handling his complaint properly as he had not seen any action taken by it.

Process of Investigation

3. In May 2024, this Office initiated an inquiry with LandsD. After examining our findings, we launched a full investigation against LandsD in August. This investigation report was completed in October 2024.

Our Findings

Sequence of Major Events

4. A chronology of the events revealed in our investigation is given in the **Annex**.

Response from LandsD

5. Regarding the complainant’s allegation that LandsD had not taken any action, the DLO explained that after receiving the case, it had investigated and followed up on the matter, including conducting multiple site inspections and leaving invitation cards at

the site to arrange meetings with the occupant of the hut in question.

6. The DLO's preliminary inspection in November 2023 found that the hut was located on government land. Subsequently, land status data and squatter survey records indicated that surveyed squatter structures and government land licences existed in the vicinity of the hut. Due to the relatively complex land status involved in the vicinity of the hut, the DLO had to clarify the boundaries of different land status at the site before proper enforcement action could be taken.

7. In May 2024, the DLO posted a notice at the site to initiate land control action against the hut, requiring the occupation of government land to cease. If any breach of land lease conditions was identified, the DLO would also enforce the lease conditions. In August, the DLO's site inspection found that the irregularities had been rectified.

8. In response to the complainant's complaints lodged on 16 October, 19 November, 27 November and 27 December 2023, the DLO replied via 1823 on 30 October 2023, 11 December 2023 and the morning of 2 January 2024. However, regarding his complaint lodged on the afternoon of 2 January 2024, the DLO mistakenly assumed that its reply via 1823 earlier that same day could serve as a substantive reply to his afternoon email, thus failing to give a timely reply. The DLO apologised for this oversight.

9. Furthermore, LandsD stated that as a general practice, the DLO would refer to the latest information from 1823 for proper handling and responses. However, while the complainant requested via 1823 between January and April 2024 for updates on the progress of the complaint, the DLO did not respond promptly. After review, LandsD considered this situation unsatisfactory. The DLO has since reminded its staff to provide timely responses based on the latest information in the future.

Our Comments

10. Our investigation into this case focused on two aspects: whether LandsD's specific actions against occupation of government land and whether its complaint handling was proper and adequate.

11. This Office believes that the complainant might query the DLO's inaction because the occupation of land persisted at the time. Our investigation revealed that

the DLO had been following up on the case. Nevertheless, due to the complex land status involved in the vicinity of the hut (see **para. 6**), the DLO needed time to probe and clarify the boundaries, which were essential steps prior to enforcement, and took time to exercise land control. After reviewing the DLO’s handling process, we find the time taken not brief, but no delay in the specific actions. This Office considers the DLO to have followed up on the case properly (see **Annex**).

12. Regarding its complaint handling, this Office finds inadequacy in the DLO’s mistaken assumption that its email sent on the morning of 2 January 2024 could serve as a reply to his afternoon email (see **para. 8**). Given the sequence of events, the DLO’s explanation was also unreasonable. In retrospect, even if the content of its morning email could already address the complainant’s afternoon email, the DLO should have issued a simple reply or acknowledgment to avoid misunderstandings.

13. Moreover, after reviewing the email records between January and April 2024, we note that the complainant repeatedly and clearly requested the DLO to update him on the progress of complaint handling. However, the DLO only responded in late April 2024. While we recognise that departments may need flexibility in responding to complainants depending on case circumstances (including the latest information referred by 1823), in this case, the DLO did not respond promptly despite the complainant’s repeated and clear requests for updates. This Office finds negligence on the part of the DLO in failing to reply based on the latest information provided by the complainant. Furthermore, the delay in reply that lasted for several months highlights that the DLO must step up monitoring cases that require longer time to handle.

Conclusion

14. Based on the analysis above, The Ombudsman considers this complaint **partially substantiated**.

Recommendations

15. The Office has the following recommendations for LandsD:

(1) remind relevant staff to handle public emails carefully to ensure a proper handling of and response to complaints or latest information from

complainants;

(2) consider updating the procedures or guidelines for handling public complaints or enquiries: even if the content of an earlier email from the department can already address a subsequent email from the complainant, a simple reply or acknowledgment should still be provided to avoid misunderstandings;

(3) review with the staff members involved to ensure that they would promptly respond to latest information from complainants in the future;

(4) the DLO should consider stepping up monitoring cases that require longer time to handle with enhanced mechanism, such as escalating cases for stringent review of progress by senior management; and

(5) use the case as a reference for staff training, illustrating the lessons learned from this case to improve the DLO’s standard of public service.

16. LandsD has accepted the recommendations in **paragraph 15**.

Office of The Ombudsman
October 2024

We will post the case summary of selected investigation reports on social media from time to time. Follow us on Facebook and Instagram to get the latest updates.

Facebook.com/Ombudsman.HK **Instagram.com/Ombudsman_HK**

Annex

Chronology of complaint handling by Lands Department

Date	Major events
19 Oct 2023	The District Lands Office, Islands ("DLO") received a complaint regarding the construction of a small hut ("the Hut") occupying government land adjacent to a certain house in a village.
30 Oct 2023	The DLO replied to 1823 that it would investigate the case. If unlawful occupation of government land or any breach of land leases was identified, it would follow up according to the department's case priorities, and issue further replies when appropriate.
21 Nov 2023	The DLO's site inspection found that the Hut was located on government land, but further investigation was required to clarify whether surveyed squatter structures or government licences were involved.
22 & 28 Nov 2023	The DLO received the complainant's enquiry message via 1823 regarding the progress of the complaint.
11 Dec 2023	The DLO replied to 1823 that it was investigating the case.
27 Dec 2023	The complainant asked the DLO about the progress of the complaint.
2 Jan 2024 10:41 am	The DLO replied to 1823, reiterating that it would take proper follow-up action if occupation of government land was confirmed.
2 Jan 2024 2:14 pm	The complainant asked why the DLO had taken so long to confirm the occupation of government land.
12 Jan 2024	Upon reviewing records, the DLO discovered records of surveyed squatter structures and government land licences in the vicinity. It then requested the District Survey Office, Islands to provide relevant land boundary data and site maps.
15 Jan 2024	The DLO inspected the site and left an invitation card to arrange a meeting with the occupant of the Hut.

Date	Major events
29 Jan 2024	The DLO received via 1823 the complainant’s enquiry message on 27 January regarding the case progress.
21 Feb 2024	The DLO received via 1823 the complainant’s enquiry message on the same day regarding the case progress. The DLO requested, by email again, the District Survey Office, Islands to provide land boundary data as soon as possible.
11 Mar 2024	The DLO received via 1823 the complainant’s enquiry message on 9 March regarding the case progress.
9 Apr 2024	The DLO received via 1823 the complainant’s message on 6 April.
23 Apr 2024	The DLO conducted a site inspection and suspected that the Hut might be connected to the adjacent structure (a certain house in the village). An invitation card was left in the mailbox of that house to arrange a meeting.
26 Apr 2024	The DLO updated 1823 on the case progress, stating that investigation was ongoing with another site inspection conducted recently; further enforcement actions would be considered.
30 Apr 2024	The DLO discovered that the house in question involved two squatter survey numbers. One of the survey numbers was allocated to a canopy, which had been converted into an enclosed hut structure, i.e. its use was no longer the same as recorded. According to departmental guidelines, the DLO posted a warning letter on the house, requiring the occupant to rectify the irregularities.
3 May 2024	The DLO received a phone call from a member of the public, who committed to rectify the irregularities and clarified that the house was not connected to the Hut.
20 May 2024	The DLO posted a notice under the Land (Miscellaneous Provisions) Ordinance on the Hut, requiring the occupation of government land to cease by 20 June 2024. If the occupation did not cease by the deadline, the DLO would demolish the structures.

Date	Major events
22 May 2024	The DLO received an email from the District Survey Office, Islands with updated land boundary data and orthophoto maps, which indicated that part of the Hut might be located on private land. The DLO continued to clarify land boundary issues with the Survey and Mapping Office.
20 Jun 2024	The DLO conducted a site inspection and issued a warning letter to the occupant of the Hut, requiring rectification of the irregularities.
20 Aug 2024	The DLO's site inspection found that the irregularities had been rectified.